

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HILARY ARNOLD,

Plaintiff,

V.

CONDUENT COMMERCIAL SOLUTIONS,

Defendant.

No. 1:21-cv-00682-AWI-BAK (SKO)

ORDER DIRECTING THE CLERK OF
COURT TO CLOSE THE CASE

(Doc. 10)

On May 20, 2022, Plaintiff filed a “Stipulation and Order for Dismissal with Prejudice,” in which she indicates that “[t]he parties to this action, acting through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) hereby stipulate, in consideration of a negotiated settlement execute by them, to the Dismissal With Prejudice of this action” (Doc. 10.)

Although styled as a stipulation of dismissal under Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the applicable rule governing dismissal in this circumstance is Rule 41(a)(1)(A)(i), as Plaintiff filed the dismissal before the opposing party served either an answer or a motion for summary judgment.¹ The Court therefore construes the stipulation as a notice of dismissal under Rule 41(a)(1)(A)(i), and, as such, Plaintiff has voluntarily dismissed this matter with prejudice. The Court therefore DIRECTS the Clerk of Court to close this case.

IT IS SO ORDERED.

Dated: **May 23, 2022**

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE

¹ In fact, the “stipulation” is not signed by counsel for Defendant.